

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO.: <u>1:19-cr-132</u>
)	
v.)	JUDGE SARA LIOI
)	
HARGIS HALL)	MOTION FOR
)	COMPASSIONATE RELEASE
)	
)	
Defendant.)	

Comes now the Defendant, by and through counsel, and moves this court for an Order granting compassionate release for the defendant, Hargis Hall, for the reasons set forth in his *pro se* motion and for reasons set forth in this supplemental motion.

Memorandum

This Court has jurisdiction to modify and reduce its sentence if “(i) extraordinary and compelling reasons warrant such a reduction”... . **18 USC 3852(c)(1)(A)(i); See USSG Sec 1B1.13.**

The Defendant’s parents are Edna Hall and Hargis Hall Sr. Both parents reside in a poor neighborhood in Ashtabula, Ohio. Edna, who just turned 65, the defendant’s mother, suffers from colon problems. Edna is now required to wear a colostomy bag. This bag has hampered Edna’s ability to take care of her husband. Besides a colon problem, Edna suffers from migraine headaches, fibromyalgi, inflamed and bulging discs in Edna’s back.

Father, Hargis Hall Sr., suffers from a kidney disorder. Defendant’s father is on weekly (sometimes more) dialysis. Hargis’ nurse reports that Hargis Sr. is on dialysis on a regular basis.

Because of his condition, a kidney transplant is necessary. Hargis Jr. has volunteered to donate his Kidney.

However a transplant cannot go forward until Hargis Sr.'s condition improves. Once the senior Hargis' condition improves, then a transplant would be an option. Since this is a transplant from son to father, compatibility is good.

Edna was her Husband's caregiver. However, since her bout with her colon problems, Edna is unable to care for her husband. Both, Edna and Hargis Sr., need assistance for daily activities.

Section 1B1.13 USSG, application notes ©, mentions the "incapacitation" of the caregiver of minor children, spouse, or registered partner. The defense suggests that being the caregiver for two incapacitated and elderly parents is important not only to the parents, but important to the nation. In this case, Edna is the guardian of two of her grandchildren ages 18 and 16. The mother of the two children is Edna's daughter and Hargis' the defendant's sister. Hargis' sister lost custody, and Edna now has custody of these two children, who are in their mid and late teens. Edna is having a difficult time taking care of her two grandchildren while she still takes care of her sick husband and also takes care of herself.

Both Edna and her husband, Hargis Hall Sr. need help. Edna's son, Hargis Hall Jr., the defendant, is physically able to help Edna and her husband.

Defendant, Hargis Hall, left home at the age 14 and lived in the streets. He ended up using drugs and getting into trouble as a kid. The family lived in a lower-class neighborhood, as money was tight. That area was plagued by drugs and violence. Hargis Hall's mother did not use any drugs or alcohol. Hargis' father did not use any drugs. However, Hargis Jr. described his father as a raging alcoholic. Hargis Hall, Jr. stated he witnessed his father beat up on his mother. Hargis Hall Sr. also beat

up on Hargis Hall, Jr., the defendant. While in his teens, the defendant left home because of the physical abuse. The defendant spent a couple of weeks in a foster home, but he ran away to live on his own. Mr. Hall lived in vacant houses without electricity and water when he was a teenager. See, PSR, 66

Defendant's growing up was **extraordinary**.

Hargis, the defendant, abused Alcohol, Marijuana, Powder Cocaine, Heroin, Soma's, Crack Cocaine, Acid, and LSD. See, PSR, 72.

Hargis' substance abuse was **extraordinary**.

Looking up the word "extraordinary", I found: 'Something **extraordinary** goes above and beyond what is expected. This can be **good or bad...**'. Most of Hargis Hall's life has been **extraordinary**. Unfortunately, Hall's life has been **extraordinarily bad**. The members of Hargis Hall's family are suffering with lives that are **extraordinarily bad**.

The family, including Hargis Hall Jr., needs help.

By living with his family, the defendant, Hargis Hall Jr., not only will he help his family, Hargis Jr. will help himself.

Although this situation appears difficult, there is a chance that "good" can come out of this difficult situation. A release from custody requiring Hargis Hall, the defendant, to live with and take care of his sick parents, will bring this family together. Hargis' father will have a chance to get his transplant. Hargis' mother may recover from her intestinal ailments. And Hargis' niece and nephew may have a stable place to live, not like the environment Hargis Jr. grew up in.

The defendant, Hargis Hall, was not an efficient nor was he an accomplished drug dealer. He was easily caught. By ingesting his own drugs, he spent anything he earned from selling drugs. He

owns nothing and lives in poverty. This is the nature and circumstances of the offense and the history and characteristics of the defendant. 18 USC 3553(a)(1). One need only look at the potential sentences of Hargis' Federal drug offenses to know the seriousness of the offense. These lengthy federal sentences have been on the books since 1985. Over time since 1985, the length of sentences for drug cases have gotten longer and longer and although more and more people have been convicted and sentenced to these longer sentences, our nation's drug problem keeps getting worse.

The more we arrest and incarcerate, the more drug abuse our nation experiences.

History has shown us that our longer prison sentences are not the solution to win the "war on drugs". These long sentences do not promote respect for the law nor provide just punishment for the offense. 18 USC 3553(a)(2)(A). Nor do these harsh sentences appear to afford adequate deterrence to criminal conduct. 18 USC 3553(a)(2)(B).

In this case, there is a defendant, who is able to help his elderly and sick parents and help his niece and nephew. Without this help, his sick and elderly parents will become a burden on themselves and then will become, another burden for society.

In 2018, our executive and legislative branches of government took a step in a different direction. Those branches of government passed laws directing and allowing the judicial branch to modify and reduce terms of imprisonment for extraordinary and compelling reasons. 18 USC 3582(c)(1)(A)(i). For the first time in over thirty years, Congress and the President gave the Judicial branch of government the authority to reduce and modify sentences for extraordinary and compelling reasons. Id.

The Hargis family have extraordinary and compelling reasons. They are poor and they are desperate. The Hargis family needs help.

This court has the authority to give the defendant the opportunity to help the defendant's parents, his niece , and nephew. The court also has the authority to help Hargis Hall, Jr.

Make this the “first step” for Hargis Hall and his family. Please reduce and modify Hargis Hall’s sentence. This modification will help ease the pain for his mom and dad. It will give Hargis Jr. a chance to turn his life around.

Respectfully submitted,

/s/Joseph W. Gardner

JOSEPH W. GARDNER #0033400

19 E Front St.

Youngstown, OH 44503

Phone: (330) 533-1118

Fax: (330) 743-6323

JWG1118@gmail.com

Attorney for Defendant

CERTIFICATION

I hereby certify that on October 6, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular US mail. Parties may access this filing through the Court’s system.

/s/Joseph W. Gardner

JOSEPH W. GARDNER #0033400

Attorney for Defendant